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C O N F I D E N T I A L SECTION 01 OF 02 MASERU 000231

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TAGS: PGOV LT

SUBJECT: 2007 ELECTIONS: SADC-SPONSORED DIALOGUE ENDS IN STALEMATE

REF: A. Maseru 194 B. Maseru 112

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CLASSIFIED BY: Elizabeth C. Power, Deputy Chief of Mission.

REASON: 1.4 (d)

¶1. (U) Sir Ketumile Masire, former president of Botswana, returned to Maseru on July 8 to present his final report on the SADC-sponsored political dialogue to address concerns following the 2007 parliamentary elections. Masire's report gives a brief history of the dialogue process, which started in June 2007 and ended with his most recent visit in October 2008, when he departed the country quite frustrated with the lack of progress in the dialogue (ref A). Masire also outlines his particular frustrations with the GOL, which he says essentially forced the process to stall due to their unwillingness to permit the holding of a seminar involving a panel of experts whose identity and terms of reference had already been determined. Recognizing the GOL's inflexibility on this issue, Masire is now submitting this report to SADC, whose Organ on Political, Defense, and Security Cooperation will make a recommendation on whether to reengage the GOL on this issue. A copy of the report has been emailed to AF/S.

¶2. (U) Masire's report makes several substantive notes and recommendations, among them:

- The Mixed Member Proportional (MMP) electoral model was not applied properly, and the intent of the model was violated by both the governing Lesotho Congress for Democracy (LCD) and the opposition All Basotho Convention (ABC). Both the ABC and LCD formed alliances that distorted the allocation of MMP parliamentary seats.

- The Independent Election Commission (IEC) should be reformed to ensure that such manipulation of the MMP model does not occur in the future.

- Lesotho's electoral laws should be reformed to: give political parties and individuals the right to bring election petitions; confirm the jurisdictions of the High Court and the Court of Appeals to hear election petitions; and proscribe a period of time during which election petitions may be heard.

- The GOL should formally recognize ABC leader Tom Thabane as the opposition leader.

¶3. (C) In a July 9 meeting with the diplomatic corps attended by CDA, Masire presented a copy of his report and spoke frankly about the dialogue process, noting the "bad faith on all sides" at the start of the 2007 election process and the intransigence from the LCD regarding the planned experts' seminar. He described a meeting that morning with Prime Minister Mosisili, who had few substantive remarks about the report's findings. Mosisili did mention that the IEC had already drafted an election law with a number of reforms, but no details were given about those reforms; otherwise, he simply thanked Masire for his

participation in the process and noted that the GOL would work to ensure that such election problems did not occur again in the future.

¶4. (C) When asked about SADC's likely reaction to the report, Masire and a representative of the SADC Organ both noted that the Organ would make any recommendation for further action to the SADC Summit, planned for August in Kinshasa. Masire also stated that he expected that the GOL would tell SADC that they accept the report and will implement the recommendations as they are able to do so, with the intention of putting off any further SADC interventions on this issue. Because SADC prefers that member countries do deal with these issues internally, he does not expect that SADC will recommend further action. He said that the GOL's overriding consideration is to get through its five year term safely; he is unsure of the odds of any real electoral reform prior to the next round of national elections, currently scheduled for 2012.

¶5. (C) When discussing a meeting at which the report was formally presented to all stakeholders, a member of Masire's team noted that Thabane and other opposition politicians looked "pleased" by the report's findings (summarized above), whereas the Deputy Prime Minister appeared "crestfallen." Although Thabane made brief remarks following Masire's presentation, no one from the GOL or LCD spoke at the meeting. Masire's team also joked with the diplomatic representatives that they had moved up Masire's departure from Maseru to July 10, as they were concerned about "getting him out of the country safely," implying that the GOL would be very displeased with the report.

¶6. (U) Masire's final visit to Lesotho has generated significant press interest. In an article on IOL, an online South African news source, Thabane states that this visit is a result of his letter to South African President Jacob Zuma, currently the chair of SADC, requesting that the deadlock be resolved. In the July 9 issue of the weekly paper Lesotho Times, Thabane indicated that the ABC has faith in the SADC process and is committed to a non-violent resolution of the

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issues.

¶7. (C) Comment: Thabane reportedly has a strong relationship with Zuma, and he has held joint ANC/ABC rallies in South Africa (ref B). However, Masire made no reference to any SADC pressure to resolve the political stalemate, indicating instead that his report and final visit grew out of his recognition that the GOL was not willing to take any further steps towards compromise. It is not clear that Thabane's relationship with Zuma played any role in this visit.

¶8. (C) Comment continued: Masire's assessment of the GOL's lack of intent to make any real change is plausible. If the GOL does not at least take the step of formally recognizing Thabane as the opposition leader, the ABC and other opposition parties are likely to become increasingly discontent with the current political situation. Post will meet with stakeholders to discuss their reactions to the report and to take their temperature, with an eye towards encouraging all parties to remain non-violent. We will continue to report on any developments.

POWER